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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/987,076	11/13/2001	Jiro Senda	Q66742	6567
75	11/28/2006	EXAMINER		
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W.			GARCIA, GABRIEL I	
Washington, DC 20037-3213		ART UNIT	PAPER NUMBER	
		2625		

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/987,076	SENDA, JIRO		
Examiner	Art Unit		
Gabriel I. Garcia	2625		

Berore the Filing of an Appeal Brief	Examiner	Art Unit							
	Gabriel I. Garcia	2625							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address									
THE REPLY FILED 16 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.									
<ol> <li>The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:</li> </ol>	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in c	idavit, or other evider compliance with 37 C	rce, which FR 41.31; or (3)						
a) The period for reply expires 3 months from the mailing date of the final rejection.									
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I									
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).									
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL									
	pliance with 37 CER 41 37 must be	filed within two month	s of the date of						
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).									
<u>AMENDMENTS</u>									
3. In the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);									
(b) ☐ They raise the issue of new matter (see NOTE belo	ow);	·							
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or									
(d) ☑ They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.							
		mpliant Amendment	(PTOL -324)						
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):									
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).									
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:									
Claim(s) allowed:									
Claim(s) objected to: Claim(s) rejected: 1-12.									
Claim(s) withdrawn from consideration:									
AFFIDAVIT OR OTHER EVIDENCE									
<ol> <li>The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	it before or on the date of filing a No d sufficient reasons why the affidav	otice of Appeal will <u>no</u> rit or other evidence is	t be entered s necessary and						
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	overcome all rejections under appea	al and/or appellant fai	Is to provide a						
10. 🗌 The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.									
REQUEST FOR RECONSIDERATION/OTHER									
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.									
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)									
GABRIEL I. GARCIN									
PRIMARY EXAMINER									

Continuation of 11. does NOT place the application in condition for allowance because: Examiner maintains that prior art of record teaches the claimed invention. Applicant's arguments are not found to be persuasive.